

DETAILED ACTION

The reply filed on 6/26/2008 is not fully responsive to the prior Office Action because it appears the claim listing reading on the elected species (i.e. 38,47-57,59-68) is inaccurate.

It is noted applicant has elected tablets with a diameter from about 0.5 mm to about 2 mm with a sustained release being incorporated into a oxycodone matrix for the species of tablet formulation, yet, applicant states that claim 58, drawn to a tablet diameter from about 0.1 to about 2.5 mm does not read on the elected species. The examiner respectfully submits that from about 0.5 mm to about 2 mm lies within 0.1 to about 2.5 mm, hence claim 58 reads on this elected species

The foregoing analysis should not to be deemed exhaustive, as there may be other claims in said listing of 6/26/2008 which similarly read or possibly do not read on the each of the elected species. Applicant is requested to carefully consider which of the currently active claims read on the elected species and provide a substitute listing.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE(1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Gross whose telephone number is (571)272-4446. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Douglas Schultz can be reached on 571 272-0763. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M Gross
Examiner
Art Unit 1639

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/JD Schultz, PhD/

Supervisory Patent Examiner, Art Unit 1635